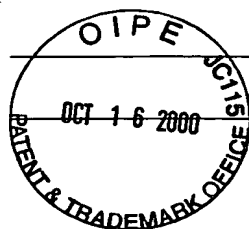


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10-26-00
R. Stone

PATENT
PC9873AJTJ

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Imran Ahmed

: Examiner: E. Peselev

SERIAL NO.: 09/200,119

: Art Unit: 1623

FILED: November 25, 1998

FOR: Method Of Treating Eye
Infections With Azithromycin

Assistant Commissioner For Patents
Washington, D.C. 20231

Sir:

RESPONSE UNDER RULE 116

This is in response to the Office Action of April 14, 2000, the term for response having been extended three (3) months by including the appropriate fee and petition herewith. Reconsideration of the rejections as set forth in the Office Action is respectfully requested in light of the comments which follow.

Remarks

Claims 1-9 continue to be rejected under 35 USC 103(a) as being unpatentable over Bailey et al (Lancet) or Thylefors (WHO Drug Information) in combination with Hauske (US 4,512,982) for the reasons set forth in the previous Office Action. With respect to Hauske, the Examiner found Applicant's response (that the topical administration disclosed by Hauske does not refer to topical application to the eye) unpersuasive. To support her position, the Examiner cited Hauske at column 9, lines 24-35 as referring to the use of azithromycin derivatives in combination with a pharmaceutically acceptable carrier or diluent, for example in the form of ointments and creams. The Examiner took the position that Hauske clearly suggested intended topical application of azithromycin derivative to animals, including humans. The Examiner concluded that topical application of azithromycin to the eye would have been prima facie obvious.